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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,247	11/02/2001	David Lahiri Bhatoolaul	15-29-7-12	2775

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Lucent Technologies Inc.
Docket Administrator (Room 3J-219)
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Holmdel, NJ 07733-3030

EXAMINER	
NGUYEN, DAVID Q	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/002,247	BHATOOLAUL ET AL.	
	Examiner	Art Unit	
	David Q. Nguyen	2681	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2,4,7-9 and 13-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2,4,7-9 and 13-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 2,4,7-9 and 13-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 2,7-8 and 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al. (US 5,428,671) in view of Goetz et al. (US 6,349,204 B1).

Regarding claim 13, Dykes et al. discloses a radio telecommunications network including a base station and a battery operated user equipment, the user equipment comprising: means for monitoring actual battery charge level and for communicating said level to the base station (see col. 15, lines 9-55); the base station also being configured to use the information specifying the size of the data file to be sent, to perform a calculation based also on an estimate of battery power usage during transfer of the file, to determine whether there is sufficient battery charge available to receive the full data file (see col. 15, lines 9-55), and if the battery charge is determined as not sufficient the base station does not send the data file (see col. 15, lines 9-55). Dykes et al. does not mention a data store, means for monitoring the available data storage capacity and for communicating available storage capacity data to the base station, the base

station being configured to receive information on the size of a data file to be sent to the user equipment, to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file, and if determined as not sufficient the base station does not send the data file. However, Goetz et al. discloses a data store, means for monitoring the available data storage capacity and for communicating available storage capacity data to the base station, the base station being configured to receive information on the size of a data file to be sent to the user equipment, to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file, and if determined as not sufficient the base station does not send the data file (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Goetz to Dykes et al. so that files downloaded can be stored in the user's equipment to avoid re-downloading.

Regarding claim 14, Dykes et al. in view of Goetz et al. discloses a method of operating battery operated user equipment comprising a data store in a radio telecommunications network comprising a base station (see explanation in claim 13), the method comprising the steps of: the user equipment monitoring the available data storage capacity and communicating available storage capacity data to the base station (see explanation in claim 13), the user equipment monitoring actual battery charge level and communicating said level to the base station (see explanation in claim 13), the base station receiving information on the size of a data file to be sent to the user equipment, the base station determining whether or not the available data storage

capacity of the user equipment is sufficient to receive the full data file, and if not sufficient the base station does not send the data file (see explanation in claim 13); the base station using the information specifying the size of the data file to be sent, to perform a calculation based also on an estimate of battery power usage during transfer of the file, to determine whether there is sufficient battery charge available to receive the full data file, and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13);the base station sending the data file only if both the available data storage capacity and the battery charge are determined as sufficient (see explanation in claim 13).

Regarding claim 15, Dykes et al. in view of Goetz et al. discloses a radio telecommunications network comprising a base station configured to receive information from a battery-operated module terminal of available data storage capacity and battery charge level (see explanation in claim 13), the base station being configured to receive information on the size of a data file to be sent to the user equipment (see explanation in claim 13), to determine whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file (see explanation in claim 13), and if determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station also being configured to use the information specifying the size of the data file to be sent, to perform a calculation based also on an estimate of battery power usage during transfer of the file, to determine whether there is sufficient battery charge available to receive the full data file, and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13).

Regarding claim 16, Dykes et al. in view of Goetz et al. discloses a method of operating a radio telecommunications network comprising a base station, the method comprising the steps of: receiving information from a battery-operated mobile terminal of available data storage capacity and battery charge level (see explanation in claim 13); the base station receiving information on the size of a data file to be sent to the user equipment, determining whether or not the available data storage capacity of the user equipment is sufficient to receive the full data file (see explanation in claim 13), and if determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station using the information specifying the size of the data file to be sent, to perform a calculation based also on an estimate of battery power usage during transfer of the file, to determine whether there is sufficient battery charge available to receive the full data file (see explanation in claim 13), and if the battery charge is determined as not sufficient the base station does not send the data file (see explanation in claim 13); the base station sending the data file only if both the available data storage capacity and the battery charge are determined as sufficient (see explanation in claim 13).

Regarding claims 2 and 7-8, Dykes et al. in view of Goetz et al. also discloses including a data store and means for configuring the equipment to receive files automatically and store them in the data store, or to retrieve files from the data store and transmit them, without activating any sounder or vibrator for alerting the user (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32 of Goetz); monitoring the available data storage capacity of the data store and for communicating available storage capacity data to the base station during call set up (see col. 4, lines 34-41; fig. 1; monitoring & control 6; col. 6, lines 4-14, lines 28-32 of Goetz).

3. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dykes et al. (US 5,428,671) in view of Goetz et al. (US 6,349,204 B1) and further in view of Brown et al. (US 6,185,423 B1).

Regarding claims 4 and 9, the battery operated user equipment for use in a radio telecommunications network of Dykes et al. in view of Goetz et al. does not disclose means for estimating which one of a plurality of available physical channels would best conserve battery charge, and for signaling the identity of that channel to the base station during call set up.

However, Brown et al. discloses means for estimating which one of a plurality of available physical channels would best conserve battery charge, and for signaling the identity of that channel to the base station during call set up (see col. 3, lines 25-44 and fig. 1; sorting a list of available channels based on signal strength to save power battery).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide above teaching of Brown et al. to the method of Dykes et al. in view of Goetz et al in order to save power and increase device battery life.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q. Nguyen whose telephone number is 571-272-7844. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOSEPH H. FEILD can be reached on (571)272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

David Nguyen

ERIKA A. GARY
PRIMARY EXAMINER